

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 09-17-07

Honorable

Honorable SCOTT M. GORDON

12 S. VARTAZAROV

Judge

Judge Pro Tem

Deputy Sheriff

M. ARNOLD

R. WILLIAMS

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

8:30 am

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (N/A)

Counsel For
Petitioner:

WASSER, COOPERMAN & CARTER -
By: DENNIS WASSER and LAURA
A. WASSER (X)

Counsel For
Respondent:

KAPLAN & SIMON, LLP - By:
MARK V. KAPLAN and JAMES
SIMON (X)

COUNTY OF THE LOS ANGELES - OFFICE
OF THE COUNTY COUNSEL - By:
DOUGLAS A. HUNTER (x)

FREID AND GOLDSMAN - By: MELVIN S.
GOLDSMAN and JON S. SUMMERS and
ANDREA D. GIEDRAITIS (x)

**Nature of Proceedings: MOTION FOR AN ORDER TO SEAL SECOND
FURTHER JUDGMENT - FILED BY PETITIONER ON JULY 30, 2007
(c/f: 08/14/2007; 09/14/07) - COURT'S RULING**

**EX PARTE APPLICATION TO AMEND AND EXPAND REQUEST TO SEAL TO
INCLUDE ALL PLEADINGS WHICH RELATE TO CHILD CUSTODY - FILED
BY PETITIONER
(c/f: 09/14/07) - COURT'S RULING**

**ORDER TO SHOW CAUSE RE: MODIFICATION OF CHILD CUSTODY;
VISITATION; INJUNCTIVE ORDER; ATTORNEY FEES/COSTS; ETC. - FILED
BY RESPONDENT ON AUGUST 8, 2007**

It is stipulated by the parties that Commissioner Scott M. Gordon may hear this and all further hearings in this matter.

The Court and counsel confer in chambers without the presence of the official court reporter.

Matter is called for hearing.

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The Court issues its ruling with regard to the Petitioner's Request to Seal portions of the court file. The Court makes findings and orders pursuant to CRC 2.550(d); CRC Rule 2.550 (e) (1) (A); CRC Rule 2.550(e) as recited this date in open court and fully reflected in the document entitled, "Court's Order Regarding Request to Seal Documents" filed this date.

Upon the oral motion of counsel for Petitioner, the Court closes the courtroom pursuant to Section 214 F.C and the matter proceeds as a closed hearing.

County Counsel reports to the Court.

County Counsel is thanked and excused by the Court.

Counsel Goldsman makes a disclosure regarding a potential conflict. Counsel Kaplan waives any potential conflict.

Each party is given the opportunity to cross examine any witnesses who have filed declarations. The parties declined.

The issue of attorney fees and interim orders are argued and the parties rest.

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Each party is ordered to serve and file an Income and Expense Declaration, complete with all required attachments within ten days of this date. Income and Expense Declarations are to be in full compliance with Local Rule 14.9.

Respondent to file an updated "Keech" declaration within ten days of this date and the Petitioner may file a responsive declaration to the "Keech" declaration within ten days thereafter.

The issue of attorney fees shall be taken under submission upon the Court's receipt of each party's Income and Expense Declaration and the "Keech" pleadings, unless the parties reach a stipulation resolving the issue.

The Court makes its order as more fully reflected in the notes of the official court reporter.

The Court makes the following interim orders pursuant to Family Code Section 3022. These orders are made without prejudice pending the child custody evaluation and the full hearing on the Respondent's Order to Show Cause Re: Modification of Child Custody and Visitation.

For purposes of clarification the minor children referred to in these orders are Scan Preston Federline, Birth Date: 09-14-05; Jayden James Federline, Birth Date: 09-12-06.

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Counsel have met and conferred with regard to selecting a Child Custody Evaluator and have been unsuccessful. Counsel for respondent has previously submitted his list of proposed evaluators. Counsel for petitioner is directed to submit a listing of three proposed evaluators within 24 hours of this date and the Court will make the determination.

Counsel are ordered to forward a copy of the orders issued this date to the Child Custody Evaluator.

The Court declines to modify the existing custodial timeshare.

The parties' stipulated custodial arraignment as set forth in the Second Further Judgment, remains in full force and effect with the following terms and conditions imposed.

Neither party shall remove the minor children from the State of California, absent the prior written consent of the other parent or prior order of the Court. In all instances of out of state travel with the minor children, whether through stipulation of the parties or prior order of the Court, the party removing the child from the state shall provide the other parent with a full itinerary, complete with all addresses and telephone numbers for the location(s) of where the children will be staying for the duration of the trip. Said itinerary shall further contain all travel arraignments, including flight numbers for the children.

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Each party is restrained from making derogatory remarks about the other party and the other party's family or significant other, either directly or indirectly to the minor children, and from allowing anyone else to do so. This includes any person employed by the parties.

Each party is ordered to complete the PARENTING WITHOUT CONFLICT program and file verification of completion with the court. Each party to submit verification of enrollment in either the Parenting Without Conflict program or other equivalent program within five days of this date.

Each party is restrained from using corporal punishment with the minor children and from allowing anyone else to do so.

Parties may select an alternative mental health professional to assist them and provide the Court with written notification of their selection within five days of this date in lieu of the Parenting Without Conflict program.

Parties are to engage in joint co-parenting counseling. Parties are ordered to equally share in the costs for the joint co-parenting counseling. Counsel are ordered to meet and confer with regard to selecting a therapist. In the event that counsel are unable to reach an agreement within five days of this date, they are each to submit a listing of three proposed therapists and the Court will make the determination.

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Neither party shall consume alcohol, or other non-prescription controlled substance during or for the 12 hours immediately preceding any period such party is responsible for the health and safety of the minor children.

Petitioner shall engage in individual counseling to address parenting issues at least once per week. Counsel for petitioner is to provide the Court with written notice as to the professional selected within ten days of this date.

Each party shall advise the other of his or her current residence address, and phone numbers and shall advise the other of any changes within 24 hours of any such changes.

Each party is ordered to notify the other within 48 hours of any change in the employment status of the children's existing child care professionals.

Each party is ordered to notify the other within 24 hours of retaining any new child care professional for the minor children.

Any prospective child care professional for the minor children must hold valid certifications by the American Red Cross in Infant and Child CPR as well as in Basic First Aid. In the event that the existing child care professionals do not possess these certifications, the certifications must be obtained forthwith.

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Pursuant to the stipulation of the parties, the Petitioner is ordered to meet with a Parenting Coach for a minimum of eight hours each week, in at least two sessions per week. The Parenting Coach is to observe the Petitioner's interaction with the minor children and her parenting skills. Counsel are ordered to meet and confer with regard to selecting the parenting coach. In the event that counsel are unable to reach an agreement within five days of this date, they are each to submit a listing of three proposed coaches and the Court will make the determination.

Costs for the Parenting Coach to be borne by the Petitioner.

The Parenting Coach shall provide each counsel with a written progress report by October 22, 2007. The Parenting Coach shall appear in Department 88 on November 26, 2007.

Pursuant to Family Code Section 3041.5, the Petitioner is ordered to undergo testing for the use of controlled substances and alcohol. Based on the Evidence presented, the Court finds that there is a habitual, frequent, and continuous use of controlled substances and alcohol by the Petitioner.

The costs of testing shall be paid by Petitioner.

Testing shall be conducted twice per week on random dates and times.

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The results of said testing shall be forwarded to the Court and will be sealed in the Court file. **The testing facility is specifically ordered to file hard copies of the results directly with the Court. The testing facility is ordered not to fax the results to the Court.** The results shall not be released except upon order of the Court. Any person receiving test results upon order of the Court shall receive notice that unauthorized distribution of test results is punishable by civil sanctions of up to \$2,500. (Family Code Section 3041.5).

Counsel are ordered to meet and confer with regard to selecting a testing facility in conformity with Section 3041.5 F.C.. If counsel are unable to agree upon a facility within five days of this date, the testing shall be conducted through Sentinel Offender Services.

The Court orders that the testing facility is to give notices of testing directly to petitioner and not through her counsel or representatives.

The Court's prior ruling issued on July 30, 2007 remains in full force and effect pending further written order of the Court.

Matter is continued to November 26, 2007 at 8:30a.m. in Department 88.

Parties appearing waive notice.

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Counsel for Respondent is directed to prepare the Order.

FORTHWITH each party is to be provided a copy of the Court's Orders and are ordered to sign the order acknowledging both receipt of the Order and confirmation that they have read the orders contained therein. The signed acknowledgments are to be filed with the Court forthwith.

THE COURT ORDERS THAT THE PORTION OF THE TRANSCRIPT OF PROCEEDINGS FOR THE CLOSED HEARING HELD IN THIS MATTER ON THIS DATE IS ORDERED SEALED AND IS OBTAINABLE ONLY BY COUNSEL OF RECORD APPEARING THIS DATE OR BY ORDER OF THE COURT.